IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICTION NO. 4904 OF 2004

Waman Ramchandra Madaye ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. A.M. Saraogi with Mr. G.C. Singh, for the Applicant.

Mr. S.R. Shinde, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

5th November 2004

P.C.:

. Heard Counsel for the parties. Perused the record. Having regard to the nature of allegations in the written complaint as filed, to my mind, custodial interrogation of the Applicant will not be necessary. Besides, grievance in the complaint, amongst others, is that the Applicant did not fulfil the obligations of constructing structure within the stipulated time; Whereas, continued with the construction activity

thereafter, thereby causing encroachment of MHADA land, which has resulted in loss of approximately Rs. 42.83 lakhs. There is also allegation of misappropriation, because the Applicant is alleged to have utilised the premises for his financial benefit. Taking overall view of the matter, the Applicant deserves to be enlarged on bail on the following conditions.

(a) The Applicant is enlarged on anticipatory bail in connection with CR.No. 214/2004 registered with Nirmal Nagar Police Station on his executing personal bond in the sum of Rs.1 lakh (Rupees one lakh only) with two local sureties in the like amount.

(b) The Applicant shall abide by the conditions stipulated in section 438(2) of the Cr.P.C. as applicable to the State of Maharashtra.

. Application disposed of on the above terms.

. Parties to act on the authenticated copy

of this order.